

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C.

**RECEIVED**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations. )

Richardton, North Dakota )

MM Docket No. \_\_\_\_\_  
RM-\_\_\_\_\_

To: Chief, Allocations Branch, Mass Media Bureau

**PETITION FOR RULE MAKING**

High Plains Broadcasting, Inc. ("HPBI"), by its attorneys and pursuant to Section 1.401 of the Commission's Rules, respectfully requests that the Commission institute a rule making proceeding to allot Channel 270C to Richardton, North Dakota.

As set forth in the attached Technical Exhibit, which is incorporated by reference herein, this proposal will serve the public interest. The allotment of Channel 270C to Richardton, North Dakota, will provide that community with its first local aural transmission service. Richardton, a census designated city of 625 persons, *see 1990 Census of Population and Housing, North Dakota* at 40 (1993), is located 22 miles east of Dickinson. The community, which elects its own mayor and city council and has its own zip code (58652) and post office, also maintains the Richardton Public School, the Richardton Rural Fire Department, and the Richardton Swimming Pool. Commercially, Richardton has a number of business enterprises, including the Richardton Food Depot, the Richardton Health Center, a Farmer's Union and a Schwab Oil Company, at least two banks, two hair stylists, a few craft and homeware outlets, a variety of repair shops, a drug store, and a meat market. Richardton has both a general and dental clinic and a senior center. At least two religious denominations

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maintain buildings and services in Richardton, including a Lutheran and a Catholic congregation. In addition, Richardton has its own social organizations, including American Legion Post #180, a Knights of Columbus, a Lions Club, a 4-H group, and a Little League. Under Commission precedent, the presence of these civic, business, religious and social indicia demonstrates that Richardton is a community deserving of its own aural transmission service. See, e.g., *Report and Order (Hannahs Mill, Milledgeville and Perry, Georgia)*, 6 FCC Rcd 3753 at ¶ 9 (1991). That the local phone book has a section entitled Richardton confirms this result. See attached.

The above proposal would enable Richardton to obtain its own FM broadcast service and would provide a means of entertainment and information for its residents. If the above proposal is approved, it is HPBI's intention to apply for the above allotment promptly and, once granted, to implement construction as quickly as possible. Accordingly, it is respectfully requested that the Commission issue a Notice of Proposed Rule Making as herein requested and thereafter adopt such a proposal.

Respectfully submitted,

**HIGH PLAINS  
BROADCASTING, INC.**

By:   
F. William LeBeau

HOGAN & HARTSON L.L.P.  
555 Thirteenth Street, N.W.  
Washington, DC 20004-1109  
(202) 637-5706

Its Attorneys

November 24, 1998

June 1998/99

# Bismarck • Mandan • Dickinson

And Surrounding Badlands Area Directory

**It's Simple!**

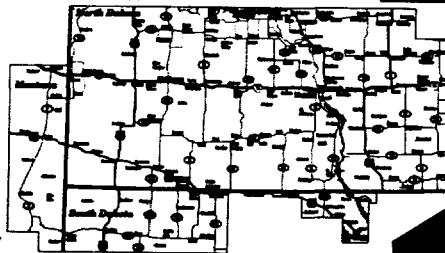
Finally, Local Service and  
Long Distance from  
one company  
see page 2

Almont  
Amdon  
Apple Valley  
Arena  
Ashley  
Baker, MT  
Baldwin  
Beach  
Bellevue  
Bentley  
Beulah  
Big Bend  
Bismarck  
Bison, SD  
Bowdon  
Bowman  
Braddock  
Breien  
Bucyrus  
Buffalo, SD  
Bullhead, SD  
Burns  
Burt  
Camp Crook, SD  
Cannon Ball  
Capitol, MT  
Carlyle, MT  
Carson  
Center  
Chaseley  
Coleharbor  
Crystal Springs  
Dawson  
Denhoff  
Dickinson  
Dodge  
Driscoll  
Dunn Center  
Ekalaka, MT  
Elgin  
Fairfield  
Falkirk  
Flasher  
Fort Clark  
Fort Rice  
Fort Yates  
Fryburg  
Gascayne  
Gladstone  
Glen Ullin  
Golden Valley  
Gulva  
Goodrich  
Grassy Butte  
Hague

Halliday  
Hannover  
Haynes  
Hazelton  
Hazen  
Hebron  
Heil  
Hensler  
Hettinger  
Hodges, MT  
Huff  
Hull  
Hardsfield  
Judson  
Kenel, SD  
Killdeer  
Kintyre  
Ladd  
Ladner, SD  
Lake Isabel  
Lake Williams  
Lark  
Lefor  
Lehr  
Leith  
Lemmon, SD  
Lincoln  
Linton  
Lodgepole, SD  
Ludlow, SD  
Mahio, SD  
Mandan  
Manning  
Marmarth  
Marshall  
McClusky  
McIntosh, SD  
McKenzie  
McLaughlin, SD  
Meadow, SD  
Medina  
Medora  
Menoken  
Mercer  
Mill Iron, MT  
Moberg, SD  
Moffit  
Morristown, SD  
Mott  
Napoleon  
New England  
New Hradec  
New Leipzig  
New Salem  
North Lemmon

Northwood Estates  
Ollie, MT  
Pettibone  
Pick City  
Plevna, MT  
Pollock, SD  
Prairie City, SD  
Price  
Raleigh  
Ralph, SD  
Reeder  
Regan  
Regent  
Reva, SD  
Rhame  
Richardson  
Riverdale  
Robinson  
Saint Anthony  
Scranton  
Selfridge  
Sentinel Butte  
Shadchill, SD  
Shields  
Solon  
Sorum, SD  
South Heart  
Stanton  
Steele  
Sterling  
Strasburg  
Stratton  
Tappen  
Taylor  
Temvik  
Trotters  
Turtle Lake  
Tuttle  
Twin Butte  
Twin Buttes  
Underwood  
Wakpala, SD  
Washburn  
Webster, MT  
Westfield  
White Butte, SD  
Whitman, MT  
Willard, MT  
Wilson  
Wing  
Wishak  
Woonsocket  
Zap  
Zeland

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**KXMB-TV 12**

**FRONTEER**

**McLeodUSA**  
Publishing Company

<http://www.mcleodusa.com>

## RICHARDTON

**FO**

993 **KNUDSON Darrell W & Lorine**  
Kenneth 3910 94 Av SW Tr  
801  
74 **KOKRON Lance & Gisela** HCR  
720 **KOLAR Tony** RR 1 Box 82 Tayl  
**KOPP Victor** Rt 2 Box 53 .....  
773 **KOSTELECKY C**  
766 **William A 3075 90 Av SW**  
**KREIN Arthur A 8346 44 St SW**  
632 **Kenneth W 8348 44 St SW**  
538 **KREITINGER Kenneth W & La**  
149 **KRENZEL Leo 304 B St N**  
575 **KROGH Gordon & Patty 331**  
308 **KLINH Carl M 5061 92 Av SW**

**ZIP CODES: RICHARDTON 58652 - TAYLOR 58656**

John 9090 51 St SW Lefo  
Matt J Lefo Tutor  
Russell J  
Stacey & Teresa 213 M  
KUNTZ Bernard 212 Main St  
Casper HC 1 Box 59a  
Clarence L & Joan 4674  
Jay & Audrey 329 S 5th  
Polar 8 5225 8th SW Ar  
KUNTZ Rod & Sherry RR 2 B  
Kuntz Richard G

LACHER Gary 9225 E Hwy 10  
Gordon L 402 2 Ave W  
LANTZ Peter & Emma 225 E  
LARSEN Hans G & Frieda 3  
Lowell & Susan K Rt 1 E  
Paul A & Sue L 9325 Hwy  
LEE  
LEAGAN James J 22 Dggn  
LEAGAN Larry  
Scott A Jr 4360 R3

**LEUNG Larry A MCR 03 I**  
**Scott & Amy 4360 83 A**

**LENNY'S REPAIR**  
 1014 S. E. 10th

**LIEN Kevin** 102 3 Av E Taylor  
**LUK Wayne & Vangie** 5324  
**LUK D M**  
**LUDDING'S Tax Service** 115  
**LUDDING Eleanor** 221 2 Ave  
**LUFF Martin E & Rose RR 1**  
 Ronald 28 3 St W Taylor  
 Rose 3499 94 Av SW La  
**LUTHILE Adeline** 8240 53 S  
 Lenard 220 5 St N

**M J Ceramics**  
 1014 S. E. 10th

**MALES 1800 R 7118 8 St NW**  
**MARCUS Ebelby** 15  
 James R 11 11 25 25  
 Leon & Lorla 408 Ert  
**MAILE Earls** 223 2 St W  
**MAYER Ann K** 307 4 St W  
 Francis & A Jane 324  
 Shanda RR 2 Box 97  
**MCCONKEY Larry & Debr**  
**MCUTCHEM Leroy E** 423  
 MIDCUTHER One Richard  
**MELCHOR Frank** 321 3 St W  
 Frank L & Jane 4109  
 Marcel 329 S 31 St W  
**MESSER Ben** 4876 84 Av S  
 Cary C 122 12 Av W  
 Carl 322 22 Av E  
 George HCR 03 Box 1  
 Greg & Don  
 Jeanne 8490 52 St S  
 Larry 8625 50 St SW  
 Mark P HCR 03 Box 9  
 Marvin R & Laura  
**Phillip & Betty** 8512 5  
 Mobile Phone  
 Mobile Phone  
**Phillip B Jr** Beaver C  
 Ralph 218 E Jr Beaver C  
 Scott & Doel 8512 5  
**MESSER Shop** 116 Main  
**MESSER Timothy P** 8241  
 Valentine 118 S 11 St  
**MESSNER Anthony** 8864  
 Charles E 121 31 Av  
 Albert 124 S 11 St  
 Robert & Clara 315  
 Robert & H 1 Box 1

**FIRST American Agency** 128 N B St  
**FIRST American Bank** West 128 N B St  
**FIRST American Insurance Agency** 128 N B St  
**FISHER Craig** 8330 39 St SW  
     Sheldon L 8330 39 St SW  
**FLORAL Memories And More**  
**FOCHT Ernest** HCR 02 Box 2 Taylor  
**FORD Debra** 422 1 Av E  
     Michael 219 N 2 St  
**FORSTER Bill & Debra** 226 E St N  
     Charles M & Jeannette 404 2 Av E  
     Ellen K 216 6 St N  
     Ervin & Marilyn 224 B St N

**K**

	974-3352	Greg & Dorl
	974-3352	Jermone 8498 52 St S.
	974-3414	Larry 8625 50 St SW
	974-3453	Mark P HCR 03 Box 5
	974-3467	Marvin R & Laura
	974-3590	Phillip & Betty 8510
S Lefor Taylor	974-3591	Mobile Phone
W Main St N	974-3591	Mobile Phone
212 Av W	974-3591	Mobile Phone
SW Taylor	974-3591	Phillip B Jr Beaver C
	974-3591	Ralph 218 E St N
	974-3591	Scott & Dodi 8512 S
	974-3593	MESSER Shop 116 Main
	974-3748	MESSER Timothy P 8241
	974-3748	Valentine 118 4 St N
	974-3719	MESSER Androsky 8864
94 Av SW	974-3333	Charles 224 1/2 St N
	974-3333	Charles 224 1/2 St N
	974-3775	Robert & Clara 315
571 Main St N	974-3571	Robert R C J Boys

TECHNICAL EXHIBIT  
IN SUPPORT OF A  
PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
RICHARDTON, NORTH DAKOTA

Technical Narrative

This technical narrative and associated exhibits have been prepared in support of a Petition for Rule Making to amend Section 73.202(b) by the allotment of channel 270C (101.9 MHz) to Richardton, North Dakota.

Proposed Change in Table of Allotments

It is requested that Section 73.202(b) be amended by the allotment of channel 270C to Richardton, North Dakota. Richardton is located in Stark County, North Dakota and has a 1990 U.S. Census population of 625 persons. Richardton has no local FM stations and no local AM stations. Therefore, Petitioner's proposal would be a first local FM broadcast service and first local aural broadcast service to Richardton. The proposed changes are as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Richardton, North Dakota	--	270C

The proposed channel 270C reference point is located 236 km from the nearest point of the U.S.-Canadian border; therefore, coordination with Canada may be necessary.

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Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 270C at Richardton. As shown, the reference coordinates comply with the Commission's minimum distance separation requirements contained in Section 73.207 with respect to all existing, authorized and proposed stations and allotments.

Figure 2 is a map showing the area to locate channel 270C at Richardton in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on minimum Class C facilities (ERP 100 kW/HAAT 300 m). The Richardton city limits shown on Figure 2 were obtained from a map contained in the 1990 U.S. Census of Population.

Conclusion

Channel 270C can be allotted to Richardton, North Dakota in compliance with all applicable Commission Rules.

  
W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.  
240 North Washington Blvd.  
Suite 700  
Sarasota, Florida 34236

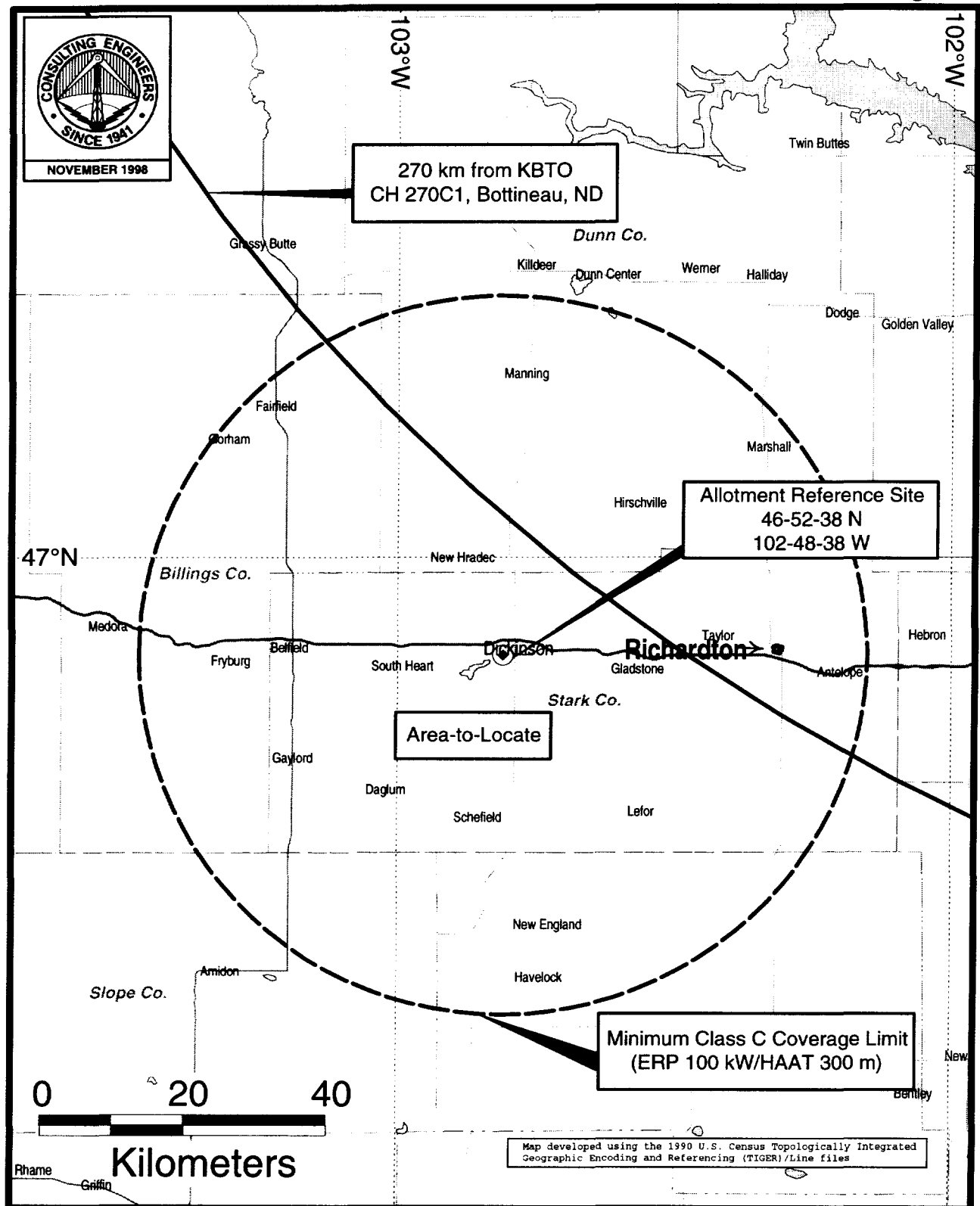
November 9, 1998

TECHNICAL EXHIBIT  
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RICHARDTON, NORTH DAKOTA

[illegible]

\*\* End of separation study for channel 270C \*\*

Figure 2



**AREA-TO-LOCATE**  
**CHANNEL 270C**  
**RICHARDTON, NORTH DAKOTA**  
 du Treil, Lundin & Rackley, Inc., Sarasota, Florida



**DECLARATION OF MICHAEL HALL**

I, Michael Hall, declare as follows:

1. I am President of High Plains Broadcasting, Inc. ("HPBI").
2. HPBI intends to apply for a construction permit for the channel requested in the attached Petition upon adoption of the proposed rule making.
3. If awarded the construction permit, HPBI will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.

  
Michael Hall

Executed this 19<sup>th</sup> day of November, 1998.